



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10306 and 10310 of 2016

1 MURUGAN
2 P. SANKARAN
3 P. RAMAKRISHNAN
4 V. SUNDARI
5 I. PARVATHI
6 PERIYANAYAGAM
7 CHANDRIKA
8 S. PARAMASIVAN
9 S. KANNAN
10 S. MAKESWARI
11 M. MUTHULAKSHMI
12 S. ARUMUGA NAINAR

... PETITIONERS/1st to 12th ACCUSED
BOTH THE PETITIONS

Vs

STATE REPRESENTED BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (ALGSC)
TUTICORIN.(CRIME NO. 36&37/2016)

... RESPONDENT/COMPLAINANT in
BOTH THE PETITIONS

For Petitioner : M/S B.RAJESH SARAVANAN Advocate

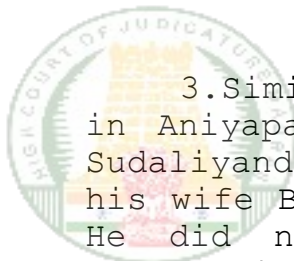
For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 12 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 465,468,471,472 and 420 of IPC in Crime Nos.36 and 37 of 2016 respectively, seek anticipatory bail.

2. The case of the prosecution is that the land measuring an extent of 5 Acres 72 cents in Aniyaparanallur Village in R.S.No.1668 /1 belonged to one Muthusamiya Pillai, son of Sudalaiyandi, grand father of the defacto complaint. The defacto complainant's father sold 5 Acres 5 Cents to one Paramasivan Pandaram by the registered deed in Doc.No.1.938.42.1969/1958, dated 25.08.1958. In the year 1912, certain extent of land was acquired for Vakaikulam to Sriyaikundam Road. The defacto complainant is the owner of the remaining land. In the year 1982, by mistake computerised patta was issued to one Paramasivan Pandaram for 9 cents.



3. Similarly, the land measuring an extent of 4 Acres 96 Cents in Aniyaparanallur Villag belongs to one Muthusamy Pillai, S/o. Sudaliyandi and he sold 4 Acres 46 Cents to one Muniyappa Devar and his wife Balammal by the deed of sale bearing Doc. No.1.758.89.319. He did not sell the remaining 50 cents. But, by mistake, computerised patta was issued to one Paramasivan Padaram for entire land.

4. The petitioners fabricated the legal heirship certificate of Paramasivam Pandaram and his wife Muthammal as though they died on 10.03.1993 and 08.07.1994 respectively, by forging the signature of Nayinar Pillai and forged seal of Taluk office and the signature of Thasildar and sold the property by sale deed dated 06.07.2015 in Doc.No.507 of 2015. The defacto complainant gave two complaints against the petitioners for the above said offences.

5. The learned counsel for the petitioners submitted that the petitioners are the owners of the land and the patta is also standing in their name. He further contended that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Due to the civil dispute, their names have been falsely implicated in this case. He further stated that the alleged occurrence took place in the year 06.07.2015, but, the complaint has been given only on 08.06.2016 and he has also contended that the suit in O.S.No.164 of 2016 is pending before the Sub Court, Tuticorin.

6. The learned Government Advocate (Crl. Side) submitted that the petitioners have forged the signature of the Thasildar and seal of the Taluk office and created forged document and sold property and the investigation of the case is pending.

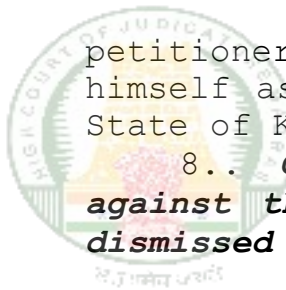
7. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners 4,5,7,10 and 11 in both petitions. Accordingly, the petitioners 4,5,7,10 and 11 in both petitions are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Special Court for Grabbing cases, Tuticorin on condition that the petitioners 4,5,7,10 and 11 in both the petitions shall execute a separate bond in each case for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 4,5,7,10 and 11 in both the petitions shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners 4,5,7,10 and 11 in both the petitions shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 4,5,7,10 and 11 in both the petitions shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 4,5,7,10 and 11 in both the petitions in accordance with law as if the conditions have been imposed and the



petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

8... Considering the serious nature of allegations levelled against the petitioners 1 to 3, 6, 8,9 and 12, this petition is dismissed against the petitioners 1 to 3, 6, 8,9 and 12.

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sd/-
12/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE, SPECIALCOURT FOR GRABBING CASES, TUTICORIN.
- 2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH (ALGSC) TUTICORIN.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2ccs to M/S.B.RAJESH SARAVANAN,ADVOCATE SR NO: 35917,35918
JA-DB-SAR.I/22.7.2016/3P:5C

ORDER IN
CRL OP(MD) No.10306 and
10310 of 2016
Date :12/07/2016